

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

MICROSOFT CORPORATION,

Plaintiff,

v.

DOES 1-10 OPERATING AN AZURE ABUSE  
NETWORK,

Defendants.

Case No. 1:24-cv-2323

**MOTION AND MEMORANDUM IN SUPPORT OF MOTION TO PERMIT SERVICE  
OF FIRST AMENDED COMPLAINT BY ALTERNATIVE MEANS**

Pursuant to Fed. R. Civ. P. 4(f) and (k), Local Civil Rule 7, and the Court’s Order of March 13, 2025, Microsoft respectfully submits the following Statement and Motion to Permit alternative means of service of process of the First Amended Complaint on Defendants Arian Yadegarnia and DOE 9, only. These Defendants do not reside in Hauge Service Convention Jurisdictions and Microsoft does not possess physical address information for them. The table below summarizes Microsoft’s proposed service methods:

<b>Defendant</b>	<b>Place of Residence</b>	<b>Means of Service</b>
Arian Yadegarnia	Islamic Republic of Iran	Multiple known email addresses
DOE 3 aka “Sekrit”	Republic of Austria	Hauge Convention jurisdiction
Alan Krysiak	United Kingdom	Hauge Convention jurisdiction
Phát Phùng Tấn	Socialist Republic of Vietnam	Hauge Convention jurisdiction
DOE 4 aka “Dazz”	United Kingdom	Hauge Convention jurisdiction
DOE 5 aka “Jorge”	United States	Personal service

DOE 6 aka “jawajawaable”	Republic of Turkey	Hauge Convention jurisdiction
DOE 7 aka “1phlgm”	Russian Federation	Known email address
DOE 8	Argentine Republic	Hauge Convention jurisdiction
DOE 9	Republic of Paraguay	Known email address
DOE 10	Kingdom of Denmark	Hauge Convention jurisdiction

### ALTERNATIVE SERVICE DEFENDANTS

Microsoft only seeks alternative email service as to Arian Yadegarnia (who has already been served with the Court’s original summons via the original Alternative Service Order) and DOE 9. Under Federal Rule of Civil Procedure 4, courts may order service of process on individuals in a foreign country by "means not prohibited by international agreement." *JFXD TRX Acq LLC v. Trx.Com*, Civil Action No. 1:23-cv-217 (CMH/LRV), 2023 U.S. Dist. LEXIS 238064, at \*1-2 (E.D. Va. Apr. 3, 2023). “Rule 4(f) does not denote a hierarchy or preference for one method of service over another,” and “service under Rule 4(f)(3) is ‘neither a ‘last resort’ nor ‘extraordinary relief.’” *Id.* (citations omitted) “The only limitations on Rule 4(f)(3) are that the means of service must be directed by the court and must not be prohibited by international agreement.” *Id.* To “fulfill due process requirements under Rule 4(f)(3), the Court must approve a method of service that is ‘reasonably calculated’ to give notice to defendant.” *Id.* (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)); see *Overstock.com, Inc. v. Visocky*, 117CV1331LMBTCB, 2018 WL 5075511, at \*4 (E.D. Va. Aug. 23, 2018), report and recommendation adopted, 2018 WL 5046673 (E.D. Va. Oct. 17, 2018) (service via email on foreign defendant is “reasonably calculated” to provide notice)).

Serving Defendants’ digital addresses is the best way to provide Defendants with timely actual notice and the process to which they are due. *See, e.g., id.* The email addresses to be served are addresses developed through investigation and discovery of the subject conduct and are likely to provide effective notice. Courts routinely find that serving defendants via email as Microsoft proposes to do here is reasonably calculated to provide notice. *WhosHere, Inc. v. Orun*, Civil Action No. 1:13-cv-00526-AJT-TRJ, 2014 U.S. Dist. LEXIS 22084, at \*9 (E.D. Va. Feb. 20, 2014) (“Several courts have permitted service of process by email...”)(collecting cases); *Microsoft Corp. v. Doe*, Civil Action No. 1:13cv139, 2014 U.S. Dist. LEXIS 48398, at \*7 (E.D. Va. Jan. 6, 2014); *Rio Properties, Inc. v. Rio Int’l. Interlink*, 284 F.3d 1007, 1014-1015 (9th Cir. 2002) (authorizing service by e-mail upon an international defendant); *Microsoft Corp. v. John Does I-27*, Case No. 1:10-cv-156 (E.D. Va. 2010, Brinkema J.); *FMAC Loan Receivables v. Dagra*, 228 F.R.D. 531, 535036 (E.D. Va. 2005) (acknowledging that courts have readily used Rule 4(f)(3) to authorize international service through non-traditional means); *AllscriptsMisys, LLC v. Am. Digital Networks, LLC*, 2010 U.S. Dist. LEXIS 4450, \*3 (D. Md. 2010) (granting *ex parte* TRO and order prompting “notice of this Order and Temporary Restraining Order as can be effected by telephone, electronic means, mail or delivery services.”).

Accordingly, Plaintiff respectfully requests that the Court enter an order authorizing service of the summons and complaint in this action by emails to Defendants’ known email addresses, and emails to the “abuse” contacts for the third-party ISPs whose services Defendants have used to conduct the Azure Abuse Enterprise.

Dated: March 21, 2025

Respectfully submitted,

/s/ Joshua Carrigan

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